

# EXHIBIT D



**SouthWest Ohio Computer Association**

RECEIVED FEB 10 2010

3607 Hamilton-Middletown Road - Hamilton, Ohio 45011-2241 - voice 513.867.1028 - fax 513.867.0754 - [www.swoca.net](http://www.swoca.net)

January 27, 2010

Mindy Marik  
Preble Shawnee Local Schools  
124 Bloomfield St.  
Camden, Ohio 45311-1154

Dear Mindy:

SWOCA is pleased to provide a quote for Interconnected Voice Over Internet Protocol.

**SouthWest Ohio Computer Association** **SPIN 143024429**

Billed Entity Number 129908 Contract # PS-VOIP-2010

Form 470 Application # 765850000799684

Allowable Contract Date: 01/15/2010

Contract Period July 1, 2010 through June 30, 2013

First year charges, based on a 3-year contract, are indicated below.

District-wide Interconnected VOIP including voicemail for 67 phones		
	Monthly (12 month)	Annual
Interconnected VOIP Service <u>recurring</u>	\$ 1,353	\$ 16,238
Erate Ineligible Amount - <u>recurring</u>	\$ 60	\$ 720
Eligible recurring charges	\$ 1,293	\$ 15,518
Installation/Migration - <u>non-recurring</u>		\$ 32,089
Erate ineligible amount - <u>non-recurring</u>		\$ 2,862
Eligible non-recurring charges		\$ 29,227
Total Year One Pre-Discount charges		\$ 48,327
Ineligible amount		\$ 3,582
Funding requested on Form 471		\$ 44,746
Anticipated Discount @ 66%		\$ 29,532
Anticipated Post Discount Charges	\$ 520	\$ 18,795

Agreement Year Two estimated total cost = \$27,733

Agreement Year Three estimated total cost = \$27,881

Additional phones may be added at then prevailing cost (currently \$93.00/phone)

Quote includes the following:

PRI line

UCSS for CM for 67 phones

UCSS and ESW for 67 VM boxes

Management of system includes Moves, Adds and Changes and Maintenance on handsets. Ineligible portion of SWOCA-owned premise-based equipment is an "ineligible" service and is cost-allocated in the above information..

This agreement is not contingent upon approval of Erate funding. The DISTRICT agrees to adhere to the SWOCA Acceptable Use Policy and obtain approval from SWOCA for any changes to district network hardware. The DISTRICT will provide initial troubleshooting of equipment issues and notify SWOCA or its subcontractor. The DISTRICT agrees to limit the number of persons authorized to contact SWOCA or its subcontractors for support of the services provided under this agreement to no more than three individuals under normal circumstances. SWOCA will bill quarterly for these services and, upon approval of the Form 486 will provide discounted invoices to the district. Districts wishing to receive an undiscounted bill subject to the Form 472 reimbursement process must indicate this desire in writing.

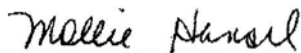
SWOCA is pleased to have provided Internet related services for over 45 Ohio schools and districts for more than 15 years. Our skilled, certified network personnel are well aware of the needs of schools. Located near your district, we are better able to provide convenient telephone, helpdesk and on site support when needed. Thank you for your consideration of our bid. To accept please sign this agreement on or after your allowable contract date and return to SWOCA. It is essential that we have the acceptance document on file.



Michael Crumley, Executive Director

Date: January 28, 2010

Acceptance:



Signature for School/District

Mollie Hansel, Treasurer

Name /Title

2/10/10

Date

(Important! Must be signed prior to submission of Form 471 and after Allowable Contract Date)

# EXHIBIT E

>>> "Patel, Arvind" <AAPATEL@sl.universalservice.org> 3/24/2010 8:51 PM >>>

Good afternoon Mindy,

Please refer to the embedded letter for further information needed for your FY2010 E-rate Funding Application #762483.

Please submit the requested information as soon as possible so we can complete the initial review process of your application or by the due date indicated at the bottom of the embedded letter. If you have any questions or concerns, please do not hesitate to contact me.

Thank you and have a good day.

Arvind Patel  
Associate Manager - Initial Review  
USAC - Schools & Libraries Division

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Mar 24, 2010

Mindy Marik

PREBLE SHAWNEE SCHOOL DISTRICT

Telephone:

(937) 4521284

Application Number

762483

Response Due Date: 4/8/2010

The Program Integrity Assurance (PIA) team is in the process of reviewing all Funding Year 2010 Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the Universal Service program. We are currently in the process of reviewing your Funding Year 2010 Form 471 Application. To complete our review, we need some additional information. The information needed to complete the review is listed below

## I. - Applicant Response Required

The entity(ies) listed below appear to be Pre-K facility(ies), and are included in a request for services on your FY2009 Form 471 application # 762483. The entity(ies) are: CAMDEN ELEMENTARY SCHOOL.

In your state, Pre-K students and separate Pre-K facilities are not eligible for funding. Any services for Pre-K students, whether in a separate facility, or when part of (a component of) the population of a regular elementary or secondary school, are ineligible. Likewise, any services delivered to separate facilities for Pre-K students are also ineligible.

Please respond to the following questions:

1. Does the facility include a Pre-K?
2. Is the Pre-K facility(ies) a separate facility(ies), or part of an elementary or secondary school?
3. Please provide the Pre-K enrollment (count) that is included in Block 4 of this Form 471.
4. Please provide the Pre-K students eligible (the count) for free and reduced lunch that are included in Block 4 of this Form 471.
5. Please provide a dollar cost allocation or percentage of total cost for the Pre-K students for each FRN.

Your response must include signature and title; or if responding via email, name and title.

For further information regarding Pre-K facilities, please refer to the USAC website at:  
<http://www.usac.org/sl/applicants/step01/non-traditional-K-12/>.

## II. - Vendor documentation required

For FRN(s) 2060261, the documentation provided in the Item 21

Attachments is not sufficient to determine the eligibility of your request for Internet Access, firewall services and email. The documentation does not clearly identify the products/services being requested in this FRN. Please provide more detailed documentation that identifies the actual products and services being requested. Your documentation should identify the specific products and services such as make, model, and description of the product/service being delivered. If you do not have this information, you will need to contact your vendor and request such documentation. The vendor should be able to provide you with detailed documentation.

Any documentation provided must be date on pr before February 19, 2010 and should clearly identify all eligible and ineligible charges that were cost allocated out of your request. If you are unable to justify the eligibility of charges requested on your Form 471, the funding request may be reduced or denied.

### III. - Vendor documentation required

For FRN(s) 2060433, the documentation provided in the Item 21 Attachments is not sufficient to determine the eligibility of your request for Interconnected VOIP service including voicemail. The documentation does not clearly identify the products/services being requested in this FRN. Please provide more detailed documentation that identifies the actual products and services being requested. Your documentation should identify the specific products and services such as make, model, and description of the product/service being delivered. If you do not have this information, you will need to contact your vendor and request such documentation. The vendor should be able to provide you with detailed documentation.

Any documentation provided must be date on pr before February 19, 2010 and should clearly identify all eligible and ineligible charges that were cost allocated out of your request. If you are unable to justify the eligibility of charges requested on your Form 471, the funding request may be reduced or denied.

### IV. - Vendor documentation required

For FRN(s) 2060433, the documentation is not sufficient to determine the eligibility of your request. The documentation indicates that your request includes the following items: 1-time charge of \$29,227.00. The documentation does not clearly identify the products/services related to these charges. Please provide more detailed documentation, such as the portion of the bill that identifies the actual products and services



relating to the charges identified above. If the bill you receive does not identify the specific products and services being delivered, you will need to contact your vendor and request such documentation. The services provider should be able to provide you with a detailed statement identifying the specific products and services being provided, which is sometimes called a Bill Breakdown or Detailed Charge Report with Service Descriptions or please have the service provider provide you with itemized billing or documentation that details the services being delivered.

Any supporting documentation provided must be date on or before February 19, 2010 and should clearly identify any ineligible charges that were cost allocated out of your request. If you are unable to justify the charges requested on your Form 471, the request may be reduced or denied.

Please fax or email the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested within 15 calendar days so we can complete our review. Failure to respond may result in a reduction or denial of funding. If you need additional time to prepare your response, please let me know as soon as possible.

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Date Sent: 3/24/2010

Date due for items requested: 4/8/2010

Thank you for your cooperation and continued support of the Universal Service Program.

Arvind Patel

Associate Manager - Initial Review

USAC - Schools & Libraries Division

973-581-7609 - Phone

973-599-6578 - Fax

aapatel@sl.universalservice.org

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Confidentiality Notice: The information in this e-mail and any attachments thereto is intended for the named recipient(s) only. This e-mail, including any attachments, may contain information that is privileged and confidential and subject to legal restrictions and penalties regarding its unauthorized disclosure or other use. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action or inaction in reliance on the contents of this e-mail and any of its attachments is STRICTLY PROHIBITED. If you have received this e-mail in error, please immediately notify the sender via return e-mail; delete this e-mail and all attachments from your e-mail system and your computer system and network; and destroy any paper copies you may have in your possession. Thank you for your cooperation.

#####  
This message has been scanned for Viruses and cleared by MailMarshal at SWOCA.  
#####

# EXHIBIT F

Good afternoon Mindy,

Please refer to the embedded letter for further information needed for your FY2010 E-rate Funding Application #763134.

Please submit the requested information as soon as possible so we can complete the initial review process of your application or by the due date indicated at the bottom of the embedded letter. If you have any questions or concerns, please do not hesitate to contact me.

Thank you and have a good day.

Arvind Patel

Associate Manager - Initial Review

USAC - Schools & Libraries Division

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Mar 24, 2010

Mindy Marik

PREBLE SHAWNEE SCHOOL DISTRICT

Telephone:

(937) 4521284

Application Number

763134

Response Due Date: 4/8/2010

The Program Integrity Assurance (PIA) team is in the process of reviewing all Funding Year 2010 Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the Universal Service program. We are currently in the process of reviewing your Funding Year 2010 Form 471 Application. To complete our review, we need some additional information. The information needed to complete the review is listed below

The entity(ies) listed below appear to be Pre-K facility(ies), and are included in a request for services on your FY2009 Form 471 application # 763124. The entity(ies) are: CAMDEN ELEMENTARY SCHOOL.

In your state, Pre-K students and separate Pre-K facilities are not eligible for funding. Any services for Pre-K students, whether in a separate facility, or when part of (a component of) the population of a regular elementary or secondary school, are ineligible. Likewise, any services delivered to separate facilities for Pre-K students are also ineligible.

Please respond to the following questions:

1. Does the facility include a Pre-K?
2. Is the Pre-K facility(ies) a separate facility(ies), or part of an elementary or secondary school?
3. Please provide the Pre-K enrollment (count) that is included in Block 4 of this Form 471.
4. Please provide the Pre-K students eligible (the count) for free and reduced lunch that are included in Block 4 of this Form 471.
5. Please provide a dollar cost allocation or percentage of total cost for the Pre-K students for each FRN.

Your response must include signature and title; or if responding via email, name and title.

For further information regarding Pre-K facilities, please refer to the USAC website at:

<http://www.usac.org/sl/applicants/step01/non-traditional-K-12/>.

Please fax or email the requested information to my attention. If you have any questions or you do not understand what we are requesting, please feel free to contact me.

It is important that we receive all of the information requested within 15 calendar days so we can complete our review. Failure to respond may result in a reduction or denial of funding. If you need additional time to prepare your response, please let me know as soon as possible.

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Date Sent: 3/24/2010      Date due for items requested: 4/8/2010

Thank you for your cooperation and continued support of the Universal Service Program.

Arvind Patel

Associate Manager - Initial Review

USAC - Schools & Libraries Division

973-581-7609 - Phone

973-599-6578 - Fax

[aapatel@sl.universalservice.org](mailto:aapatel@sl.universalservice.org)

# EXHIBIT G



**Mollie Hansel**

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**From:** Mindy Marik [Marikm@preble-shawnee.k12.oh.us]  
**Sent:** Friday, March 26, 2010 12:07 PM  
**To:** Mindy Marik@1-937-4523926; Arvind Patel  
**Cc:** Mollie Hansel; pssm\_mm@SWOCA.NET  
**Subject:** Re: ERate App# 762483

Dear Arvind Patel,  
Here are the answers to the questions embedded in this email.

1. Does the facility include a Pre-K? Yes, but I did not count any service they use as eligible.
2. Is the Pre-K facility(ies) a separate facility(ies), or part of an elementary or secondary school? Yes, but leased rooms on same campus.
3. Please provide the Pre-K enrollment (count) that is included in Block 4 of this Form 471. There are 24 students, but I did not count them in Block 4 on the Form 471.
4. Please provide the Pre-K students eligible (the count) for free and reduced lunch that are included in Block 4 of this Form 471. I did not count any of these students as eligible, because I removed them from my list, but if they were counted, there are 14 eligible for the F& R Lunch program.
5. Please provide a dollar cost allocation or percentage of total cost for the Pre-K students for each FRN. \$0.00 The cost does not reflect any service they use.

Mindy Marik  
Dir. of Technology  
Preble Shawnee Local Schools  
124 Bloomfield Street  
Camden, OH 45311  
937-787-3451 x261

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# EXHIBIT H

From: Mindy Marik [mailto:Marikm@preble-shawnee.k12.oh.us]  
Sent: Friday, March 26, 2010 12:05 PM  
To: Arvind Patel  
Cc: Mollie Hansel  
Subject: Re: ERate App# 763134

Dear Arvind Patel,  
Here are the answers to the questions embedded in this email.

1. Does the facility include a Pre-K? Yes, but I did not count any service they use as eligible.
2. Is the Pre-K facility(ies) a separate facility(ies), or part of an elementary or secondary school? Yes, but leased rooms on same campus.
3. Please provide the Pre-K enrollment (count) that is included in Block 4 of this Form 471. There are 24 students, but I did not count them in Block 4 on the Form 471.
4. Please provide the Pre-K students eligible (the count) for free and reduced lunch that are included in Block 4 of this Form 471. I did not count any of these students as eligible, because I removed them from my list, but if they were counted, there are 14 eligible for the F& R Lunch program.
5. Please provide a dollar cost allocation or percentage of total cost for the Pre-K students for each FRN. \$0.00 The cost does not reflect any service they use.

Mindy Marik  
Dir. of Technology  
Preble Shawnee Local Schools  
124 Bloomfield Street  
Camden, OH 45311  
937-787-3451 x261

# EXHIBIT I

**Before the**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the	)	
	)	
Decision of the	)	<b>CC Docket No. 02-6</b>
Universal Service Administrative Company	)	<b>CC Docket No. 96-45</b>
	)	
By	)	<b>File No. _____</b>
	)	
Preble Shawnee Local School District	)	
Billed Entity #: 129908	)	
471 Application #: 762483	)	
Funding Request #: 2060433	)	
	)	

**AFFIDAVIT OF MINDY MARIK**

Mindy Marik states as follows for his Affidavit in the above-captioned proceeding:

1. I am the technology director of Preble Shawnee Local School District ("Preble Shawnee"), and I have worked for Preble Shawnee at all times relevant to the events described herein. I have personal knowledge of the matters set forth in this Affidavit.
2. I am over the age of eighteen.
3. In my job, I deal mainly with assessing the district's technology needs and making sure they are met. I have never received specialized training to help me comply with the procedural E-Rate requirements.
4. On December 18, 2009, I posted a Form 470 for Funding Year 10 for Voice over Internet Protocol ("VoIP") services. This request was for installation, configuration and

basic maintenance of vendor-owned VoIP equipment and provision of VoIP services. These are eligible E-Rate services.

5. After I submitted the Form 470, we received bids for VoIP services. I helped compare the bids to determine which bid should win.

6. On February 17, 2010, I submitted a Form 471 for VoIP services. Other than the receipt confirmation letter for the Form 471, I received no communication from USAC until March 24, 2010.

7. On March 24, 2010, I received two emails from a PIA auditor named Arvind Patel. One was for the VoIP services Form 470 and one was for a different Form 470.

8. Both emails appeared to me to deal solely with questions regarding the eligibility of Camden Elementary. Each email had 5 questions on this matter. I responded to the Camden questions on March 26, 2010.

9. The emails appeared to me to be identical, so I sent identical responses. I thought I had answered all questions for the two inquiries. As I realized after receiving the Funding Commitment Decision Letter, one of the emails had additional questions. At the time, both emails appeared to me to be identical, which, in my experience, is not unusual in the PIA process.

10. I did not receive any additional communications, written or by phone, regarding the VoIP funding request until I learned that the request had been denied, nor, to the best of my knowledge, did anyone else at Preble Shawnee. When I didn't receive any additional communications, I assumed the PIA auditors had all the information they needed.

11. Had USAC sent follow-up inquiries to receive this information, I would have responded just as quickly as I responded to the March 24, 2010 inquiries.

12. Without E-Rate funding, our schools would not be able to provide the VoIP services to our students. The VoIP services requested, which are intended to replace our current telephony system, are crucial to our students. We communicate with parents constantly over our phone system. We use the system to send out alerts for emergencies and school closures. The system enables us to make individual calls to ensure that parents can be engaged in the learning process. Without it, we could not ensure a safe learning environment, and we could not maintain the level of parent-educator communication we currently have in place.

I SOLEMNLY AFFIRM UNDER PENALTIES OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dated: Aug 26, 2010

Mindy Marik  
Mindy Marik

Sworn to and subscribed before me  
this the 26 day of August, 2010.

Yvonne Shuler

Notary Public

My commission expires: 01.11.2014



YVONNE SHULER  
Notary Public, State of Ohio  
My Commission Expires 01.11.2014

# EXHIBIT J





***South West Ohio Computer Association***

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3607 Hamilton-Middletown Road – Hamilton, Ohio 45011-2241 – voice 513.867.1028 – fax 513.867.0754 – [www.swoca.net](http://www.swoca.net)

January 27, 2010

Mindy Marik  
Preble Shawnee Local Schools  
124 Bloomfield St.  
Camden, Ohio 45311-1154

Dear Mindy:

Explanation of SWOCA Inteconnected VOIP service for Preble Shawnee Local Schools.

This proposal is for a managed service providing Interconnected Voice Over Internet Protocol.

Quote includes the following:

Shared use of SWOCA –owned core equipment located at SWOCA.

PRI line

UCSS for CM for 72 phones

UCSS and ESW for 72 VM boxes

Installation and configuration

Management of system includes Moves, Adds and Changes and Maintenance on handsets. Ineligible portion of SWOCA-owned premise-based equipment is an “ineligible” service and is cost-allocated in the above information.

Maintenance on handsets is included but is NOT eligible. The cost of \$10.00 per phone/year amounting to \$720.00 has been cost-allocated from the quote.

Quote includes four routers used as Voice Gateways. These devices have previously been determined by Schools and Libraries to be eligible as Provider owned “premise-based” equipment. Eligibility varies on the model. For this quote 25% of the value or \$2862.00 has been cost-allocated from the quote. This is slightly more than the maximum amount we have previously been asked to subtract from the eligible portion of the quote.

Network equipment is NOT included and is to be purchased separately.

Telephone handsets are NOT included and not eligible for Erate discounts and are to be purchased separately.

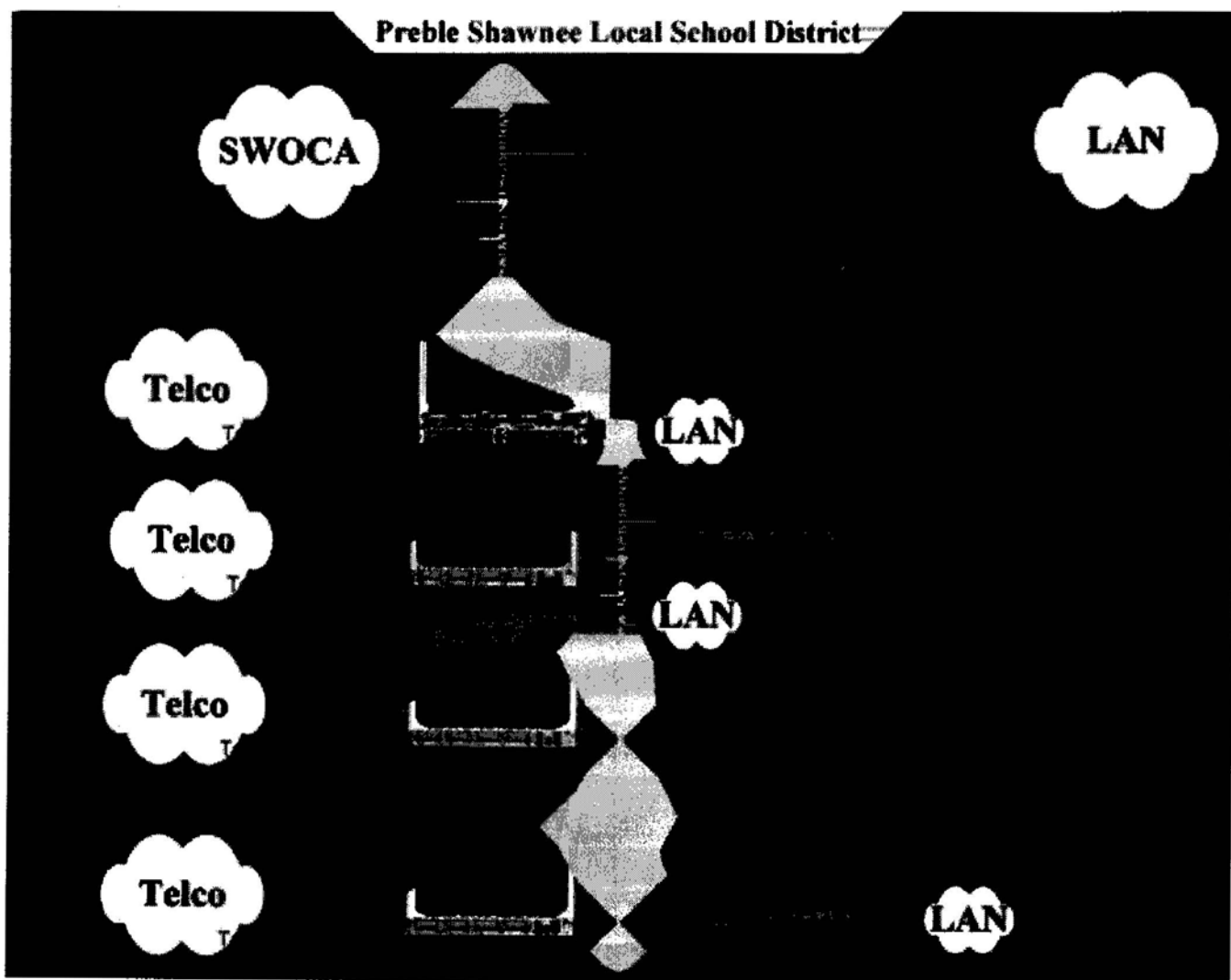
Michael Crumley, Executive Director

Date: January 27, 2010

The Proposal includes four Cisco routers used as Voice Gateways. This is premise-based, provider-owned equipment which qualifies for Erate discounts. The following demonstrates the costs for this equipment in this quote and the cost-allocation procedure.

Model	Cost	Maint	Total	Cost-allocated amount
CISCO2921-CME-SRST/K9	\$3699.00	\$735.00	\$7014	\$1754.00
CISCO2901-CME0SRST/K9 X 3	\$5911.00	\$1103.00	\$4434	\$1108.00
			\$11,448.00	\$2862.00

We have previously learned that eligibility varies on the model based on the percentage of the costs allocated to the Survivable Remote Site Telephony (SRST). We have cost-allocated an overall 25% of the value or \$2862.00 from this proposal



This simplified diagram of your network demonstrates that there is a single demarcation between the voice gateway routers and the internal connections equipment and the LAN would continue to function if the voice gateway routers were removed.

The following information relates to the provider-owned on-premise equipment in this SWOCA managed service for Preble Shawnee Local Schools. In this case a CISCO2921-CME-SRST/K9 routers and three CISCO2901-CME-SRST/K9 routers

Is the leased on-premise equipment an integral component of a Telecommunications or Internet Access service?

☒ Yes ☐ No

Will the leased on-premise equipment be provided by the same service provider that provides the associated Telecommunications Service or Internet Access service?

☒ Yes ☐ No

Does responsibility for maintaining the equipment rest with the service provider?

☒ Yes ☐ No

Will ownership of the equipment transfer to the school or library in the future?

☐ Yes ☒ No

Does the relevant contract or lease include an option for the applicant to purchase the equipment?

☐ Yes ☒ No

5a. If Yes, do you intend to exercise this option. Yes ☐ No ☐ N/A

Will the leased equipment be used at the applicant site for any purpose other than receipt of the eligible Telecommunications Services or Internet Access of which it is a part?

☐ Yes ☒ No

Will the school's or library's internal communication systems (e.g., LAN, video, phone, or other communication system) continue to work if the component is disconnected?

☒ Yes ☐ No.

Are there any contractual, technical, or other limitations that would prevent the service provider from using its network equipment, in part, for other customers?

☐ Yes ☒ No